NOTIFICATION.

No. P. 5554 (3)—*Regis.* 30-19-10, *dated 6th January* 1923.

The Government are pleased to direct that the following rules be substituted for the present Rules 65 to 69 (inclusive) regarding searches and copies framed under Section 69 of the Mysore Registration Regulation, No. I of 1903, as amended by Regulation No. VI of 1908 :—

IX. SEARCHES AND COPIES.

(Section 57.)

65. Books I and II and the indexes relating to Book No. I may be inspected by any person according to the provisions of the Regulation, but the search should be made in the presence of the Registering Officer. Books III and IV and their indexes must be searched only by the Registering Officer. In granting copies of the entries in the Books and the indexes, special care shall be taken to ensure that the provisions of clauses (2) and (3) of Section 57 are satisfied and the title of the applicant to have the copies shall be proved to the satisfaction of the Registering Officer.

Every application to the Registering Officer for an inspection, a search, or a copy, shall be made in writing. Forms for such applications shall be furnished by Registration Offices free of cost. An application for a search or for a copy may be recevied and complied with through the medium of the post, the postage charges being borne by the applicant. On the application shall be entered the date of its receipt, the date on which it is complied with and the mode of compliance with the amount of fees paid in connection with it. It should then be filed and be given a serial number in the file. If the application is not complied with, the reasons for non-compliance should be endorsed on the application, a copy of the reasons being furnished free of cost to the applicant.

66. Fees for searches shall be payable in advance. In complying with a requisition from a Court which involves a search or the preparation of a copy of any document, the Registering Officer shall forward to the Court a Memorandum of the fees payable, with a view to the amount being remitted by the Court. When a requisition is received from a Court for the production of a Register Book other than Book III or Book IV, or a Register of Thumb Impressions, the Registering Officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will suffice. When it is absolutely necessary to produce the Book itself, or when the requisition is for the production of Register Book III or Register Book IV, or a Register of Thumb Impressions the book shall be forwarded in a sealed packet, through a clerk, with instructions to bring the packet back to the office unless the Court considers its detention to be necessary. When a copy is forwarded to a Court, it shall be sent in a sealed cover addressed by name to the Officer presiding over the Court.

67. (1) The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid, or to have it read to him; but it shall not entitle him to take either a copy of the entry or any written notes thereof except a note of its number and date on a slate for subsequent transcription on paper. If a search proves fruitless, the fee shall not be refunded, but the applicant may, if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.

(2) When an application for a search is presented and the requisite fees have been paid, the Registering Officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make the search the name of the clerk deputed shall be noted on the application. As soon as the search is completed the result or a reference to the certificate of encumbrance showing the result shall be noted on the application by the clerk and signed by him. Whenever an entry found on search is read out to an applicant under Rule 67, a note shall be made on the application to the effect that this has been done and, when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto. A copy of an entry shall not be made from any book until the Registering Officer has scrutinised the entry generally.

Certficaties of Encumbrance.

68. When an application is made for a search for encumbrances in respect of any immoveable property or for a list of documents executed by, or in favour of, a single individual, and the applicant desires that a certificate of encumbrances or a list of documents found in the course of such search should be furnished to him by the Registering Officer, the request shall be complied with, the certificate or list being in the form printed in Appendix I.

69. (*a*) In the case of searches for a list of documents executed by, or in favour of, a particular individual, the list shall show the number, date, nature and value of the several documents found, as well as the names of the parties and the village in which property affected, if any, is situated, but no description of the properties affected by the documents should be given as in the case of encumbrance certificates on properties. The list shall not include particulars of documents registered in Register Books III and IV, unless the applicant is entitled to copies of the entries (Section 57).

(*b*) A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.

(1) Searches for certificates of encumbrances shall as a rule, be made by two persons, independently of each other, so that the results obtained by one may be compared and verified with those obtained by the other.

(2) When a party himself makes the search he should be required to furnish a signed note of the results of the search and the results should be verified by a member of the office establishment.

69. (*c*) A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificates will be numbered consecutively in a separate series for each official year.

The notes furnished by parties containing the results of searches conducted by themselves shall be filed with the office copies of the encumbrance certificates concerned.

By Order,

T. E. JEYARAMA AIYAR,

Secretary to Government,

Revenue Department.

APPENDIX I.

(*Rules 68 and 69.*)

CERTIFICATE OF ENCUMBRANCE ON PROPERTY.

Certificate No. of 192 .

Application No. of 192

having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of undermentioned property :—

I hereby certify that a search has been made in Book I and in the indexes relating thereto for years from the day of 192 to the day of 192 for acts and encumbrances affecting the said property, and that on such search the following acts and encumbrances appear :—

Serial No.	(*a*) Description of property	Date of execution	(*b*) Nature and value of document	Names of parties		Reference to document entry		
				Executants	Claimants	Volume	Page	Number and year
1	2	3	4	5	6	7	8	9

(*a*) Enter the description as given in the document found.

(*b*) (1) In the case of a mortgage-deed enter rate of interest and period of payment, if stated therein.

(2) In the case of leases enter term of lease and annual rental.